

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   KEVIN BROOKS,

4                                   Petitioner,

5                                   v.

6   BRIAN WILLIAMS, et. al,

7                                   Respondents.

Case No.: 2:19-cv-01719-APG-EJY

**ORDER**

8           Notwithstanding the court’s dismissal of this habeas corpus case under 28 U.S.C. § 2254,  
9 the petitioner has filed a motion for a temporary restraining order and a motion to show cause  
10 why a preliminary injunction should not issue. ECF Nos. 6, 7. With these motions, he asks this  
11 court to prevent the respondents from removing him from his work assignment as a prison law  
12 clerk.

13           The relief petitioner seeks clearly falls outside the “core of habeas,” which is confined to  
14 “[c]hallenges to the validity of any confinement or to the particulars affecting its duration.” *See*  
15 *Nettles v. Grounds*, 830 F.3d 922, 927 (9<sup>th</sup> Cir. 2016) (citations omitted). Instead, his request for  
16 relief involves the conditions or circumstances of his confinement. Accordingly, a civil rights  
17 action under 42 U.S.C. § 1983 is “the exclusive vehicle” for his claims. *Id.*

18           I THEREFORE ORDER that the petitioner’s motion for a temporary restraining order  
19 and motion to show cause why a preliminary injunction should not issue (**ECF Nos. 6, 7**) are  
20 **DENIED.**

21           I FURTHER ORDER that this action shall remain CLOSED. To the extent petitioner  
22 wishes to further pursue a civil rights action under 42. U.S.C. § 1983, he must file a NEW action  
23 using the court’s approved forms.

1 I FURTHER ORDER the Clerk to send the petitioner two copies each of an application  
2 form to proceed *in forma pauperis* for incarcerated persons and a civil rights complaint pursuant  
3 to 42 U.S.C. § 1983 form, and one copy of the instructions for each form.

4 Dated: October 23, 2019.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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